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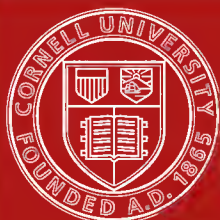
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The Case Put & Decided

BY

George Fox, George Whitehead, Stephen Crisp,
and other the most Antient & Eminent QUAKERS,

BETWEEN

Edward Billing on the one part,

And some *West-Jersians*, headed by

Samuell Jennings

On the other Part,

In an Award relating to the Government of
their Province, wherein, because not moulded to the Pallate of
the said *Samuell*, the Light, the Truth, the Justice and Infallability
of these great Friends are arreigned by him and his Accomplices.

ALSO

Several Remarks and Annimadversions on the same Award,
setting forth the Premises. With some Reflections on the Sens-
less Opposition of these Men against the present Governour, and
their daring Audaciousness in their presumptuous asserting an
Authority here over the Parliament of *ENGLAND*.

*Published for the Information of the Impartial and Considerate, particu-
larly such as Worship God, and profess Christianity, not in
Faction and Hypocrisie, but in Truth and Sincerity.*

*Wo to the Rebellious Children, saith the Lord, that take Counsel, but not
of me, & cover with a Covering, but not of my Spirit, that they may lay
sin upon sin, Isa. 30 1.*

*Therefore now hear, Thou hast trusted in thy Wickedness, Thou hast said,
none seeth me; Thy Wisdom and thy Knowledge it hath perverted thee,
and thou hast said in thy heart, I am, and none else beside me, Isa. 47. 10.*

*Therefore shall Evil come upon thee, thou shalt not know from whence it
riseth; and Mischief shall fall upon thee, thou shalt not be able to put
it off, v. 11.*

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**The Award of GEORGE FOX and other Rulers of* [*2]
Chiefest Authority among the Quakers, relating to
a Difference concerning the Government of West-
Jarsey, depending between Edw. Billing and Sam.
Jenings; &c.

WHEREAS there was a late *difference* depending between *E. Billinge* on the one part, & *S. Jenings, Tho. Budd & G. Hutchinson*, & some of the Proprietors of the Province of *West New-Jarsey* on the other part, concerning the Government of that Province, which they did refer and submit to the Judgment & Determination of *G. Fox, G. Whitehead, W. Gibson, Alex. Parker, W. Shewin, Ch. Bathurst, Ch. Marshall, T. Ellwood, R. Whitpane, J. Park, S. Crisp, T. Hart, F Osgood & W. Crouch*, promising and engaging to stand, abide & submit unto the Judgment, Sentence & Determination of them, or any eight of them, as by Writing under their hands, bearing date the 31 of 5 Mo. 1684, and by adjournments continued to the 11. of 8 Mo. following, and no longer doth appear. Now we whose Names are here-under written having duely weighed & considered the matter in difference, upon a full hearing of both Parties concerned, face

to face, do, according to our Consciences & best understandings of matters of Fact & of the several Complaints, Allegations & Evidences produced, understand, advise, judge and determine as followeth, *viz.*

1. That *E. Billinge* hath, by Concessions, signed by himself, with other words & circumstances, as also by Letters written by *Gawen Laury, Nicholas Lucas &c.* to the Proprietors, given them ground to expect that they should have and had the Government, with the Soyl, which he not performing, gave offence, and we judge they were to blame, and not well advised; for it appears something dubious whether *E. Billing* had it then to dispose of, Counsels opinions seeming various about it, and the words [*3] Powers & Governments *not being mentioned in the Dukes Grant to the Lord *Berckly* & Sir *George Cartwright*.

2. We find no mention made in the Concessions of such mode of Government as that a Governour is to be chosen by the People, but mention of an Assembly and ten Commissioners. Neither can we find any warrantable foundation and legal Right either from the Kings Grant, or in the Conveyances to the particular Proprietors from *E. Billing, &c.* to justify them in electing their Governor, nor yet for a popular Government without a single Governor,

or Commissioners particularly assigned by legal Authority, *NB.*

3. That *E. Billinge* by the last Grant from the Duke hath the Title & Power of Government legally in him, as also by the Kings own approbation in his Declaration and Letter to and in behalf of the said *E. Billinge*, & he cannot be divested thereof but by default or by his own consent, as we really apprehend.

4. That *E. Billing* (as we really conceive & understand) cannot legally sell and divide the Government in pieces, parcells or piecemeals to particular Proprietors, if he part with it, it must go whole to a single Person, or to a certain number by Name who must, as a Corporation, have the whole of him, in whom it legally resideth, and that by an entire Grant or Assignment for the same purpose.

5. That whereas *S. Jenings* & the Assembly in *West-Jarsey* had positively acknowledged *E. Billing* as Governor, and acted about two years by virtue of his Commission & Power, and *S. Jenings* as his Deputy engaging to serve him, and preserve his Interest in that Capacity; now after all this they accepting *E. Billing* as Governor *only in Trust*, as they alledge, in order to have him assign his Power and Government to the People, which not being obtained with his consent, *then they rejecting him the*

said Billing, and chusing S. Jenings Governor in his stead, and his accepting thereof, WAS A BETRAYING HIS TRUST, as also rejecting W. Welch, since deputed by E. Billing, without giving E. Billing any previous Notice of these their designs and proceedings against him and his Interest, These we judge irregular Proceedings, Unfair and Unwarrantable, Unsafe & worthy of Blame in S. Jenings and all Persons concerned therein.

- [*4] *6. That seeing *E. Billing* and those of his Trustees did give such ground of expectation as aforesaid, by Concessions and Letters, & also by some words in some of their Deeds, that the Proprietors should or might have the Government or Power to elect a Governour among themselves, which if he cannot legally or safely perform according to their expectations, yet we all agree, that he is thereby bound to perform to the Proprietors, so far as he legally & safely may do. And also we judge, that the said *Billing* ought to go so far as he is able, and lawfully can in all things to their just Satisfaction, by making and confirming unto them such Fundamental Laws, Concessions and Provisions, consonant, and not repugnant to the Laws and Government of this Realm of England, as may fully secure them from all Abuses, Oppressions & Encroachments upon their Freedoms & Liberties, both as Men &

Christians, by and from himself, his Heirs or Assigns, according to the Contents of his own Letter, dated the 15 of 8. mo. 1680. sent with his last Grant from the Duke.

7. That seeing *E. Billing* hath declared that he hath settled the Reversion of the Government upon his Son-in-Law *B. Bartlet*, our advice is, That he do procure his said Son-in-Law to sign, with himself, such fundamental Laws, Concessions & Provisions, so made and confirmed as above; and also that the said *Billinge* do produce and shew his Concessions, so made, to any 3 or more of those 14 Friends before named, to whom the aforesaid Difference was referred, and take their advice and consent thereunto, before they be transmitted to the Proprietors, there to be passed into an Act or Law in the General Assembly of *West-Jarsey*.

8. That the said *S. Jenings*, *T. Budd*, *G. Hutchison*, and the rest of the Proprietors concerned, & residing in *West-Jarsey*, do at present renew and continue their due acknowledgment of *Billing*, and peaceably acquiesce, and quietly and duly submit to his Authority and Power, as their legal Governour, and receive and accept of those things before mentioned from him, and to be content and satisfied there-with. All which being effectually performed

[*5] by *the said *E. Billinge* then the Proprietors to pay their proportions of the Charge of the last Grant.

9. We finding that many Errors, Mistakes, Misapprehensions, Mis-actings, Faults, Trespasses and Offences have been suffered and done and committed since the first proposal of inhabiting & planting the said Province, not only by *E. Billinge*, but also by *S. Jenings* and others, therefore we do advise and judge it needful that an Act of Indemnity and Oblivion be provided and passed by the first opportunity by *E. Billinge* and the Assembly of *West-Jersey*, and that the same be drawn so full and effectual that all Persons concerned in the said Province may be secured from being called to account for any thing done or acted in relation to himself as Governor, or to the Government before the date hereof; and that likewise therein provision be made to enjoin the Inhabitants and Proprietors of the said Province not to upbraid, traduce or defame the said *Billing*, nor he them, for any fault, mistake or miscarriage done, in relation to the said Difference before the date of the said Act of Oblivion; and that the said *Billing* procure his Son-in-Law *B. Bartlet* to sign the same with himself.

10. It is our Christian advice, That no party concerned in the aforesaid Difference make or cause to be made any Strife or Contention therein, whereby

the peace or Prosperity of the said Province, or any Member thereof may be disquieted or hurt thereby, and that all Persons concerned forbear to disquiet or molest each other by going to Law, or any vexatious Suit or Prosecution in any Courts of Judicature for or because of the said Difference. This we do solemnly leave in Charge on all Persons concerned, for the holy Truth and the Name of the Lords sake.

Lastly, We do in all sincerity and godly Care earnestly intreat and beseech, as well as advise all Parties and Persons herein concerned, That they sincerely and heartily in the Name of the Lord Jesus Christ, and for his sake, forgive one another as Christians, & endeavour with one accord to root out and extinguish all Feuds, Annimosities, Prejudices, Heart-burnings, Heats, Passions, Strifes and Divisions, and so blot out the very remembrance thereof, that—*Christian and mutual Love and good Will [*6] may increase among you, and Truth may prevail and spread in the Province and those remote parts, through your faithful and Christian Examples and Conversations, that God Almighty may bless you with Peace, Plenty and Prosperity, and with his divine Refreshments and Consolations in Christ Jesus, according to our Souls sincere Desires and tender Supplications on your behalf.

Thus we have given our Advice and Judgment in the fore-going Passages under our Hands in *London*, the 11 of 8 mo. Oct. 1684.

London, this 15 of 8 mo.	William Crouch	William Shewin,
when the Original Judgment	James Parke,	Thomas Hart,
and Advice of Friends was	Chas. Marshall,	Geo. Whitehead,
examined. A true Copy, wit-	Rich. Whitpane	Charles Bathurst.
ness	MARKE SWANNER.	

Memorandum, Paragraff 2d. after these words, assigned by legal Authority, add these, viz.

N B. Neither do we understand that such a Grant as was expected was attainable when the 2d Grant was solicited for, whence this Sentence above cited was hastily razed out of the Original, the 11 of 8 mo. 1684. 'Tis our Judgment that it were better and more clear to be incerted.

Observations on the fore-going Award.

Reader, Pray observe, That by the foregoing Award of those eminent *Quakers*, the Government was in *Billing*, and not in the People of *West-Jar-sey*, and *S. Jenings* condemned by them for *Betraying his Trust*, in laying aside *Billing's* Commission, and taking the Government on him from the People; yet notwithstanding all this, the same *Sam. Jenings* being the leading man of that Party, &

Chief in the Assembly, now sings his old Song over again, and affirms the Government to be in the People, thereby encouraging and exciting the People to Rebellion against the present Governour, and other their lawful Rulers, to the great obstruction of the Peace and Prosperity of the Province.

Hence it is that *P. Fretwell* and *T. Gardner* (two of the said *Jenings* Minions and Quondam Justices) have run from County to County to stir up People to Sedition, and to oppose the holding of any Courts by the Governours Authority, and threaten such as yield Obedience thereunto.

*And hence they themselves are so perverse and stubborn as not to come to Court to answer for their setting the Province in a flame, at the Court of Appeals, *October* 1698, and for other Misdemeanours, without raising Souldiers to force them along, to the end that they may send these their sufferings to *London* also, to be recorded (among the rest of their Lyes) as a suffering for Truth and Religion. And hence the said *Fretwell*, the former Treasurer, refuses to give Account to Authority what he has done with all the Money he has received of the Province, and County Taxes: No, for doubtless he finds it more profitable to continue his former method, *viz.* to give account to his Fellows, who ap- [*7]

plaud him to the People, but pass his Accounts un-examined.

And hence it is that our Sheriff and his Assistant, for doing their Office at *Burlington*, are by the said *Gardiner* arrested and sued at a Court in *Pennsilvania*, directly contrary to the Laws and Liberties of our English Nation, and a notorious Violation of our antient Priviledges.

And from hence some others have been encouraged to resist the Government lately at *Salem*, where some *Quakers* also assumed the Militia by beat of Drum & Colours flying, and with Whips, Clubs and Staves they forced off the Magistrates from the Court house, not suffering them to keep Court (thereby stopping the currant of Justice) till the Governour went with a Force of fifty Men in Arms, who by the Providence of God, and the said Governours discreet management, broke thorow, and quell'd the Rabble, without Blood-shed, even beyond the expectation of all concerned, the Captain of these Rioters having prepared his Gun with a Charge of thirty-eight small Bullets.

But all this seemed little in the Eyes of *S. Jennings*, therefore that he might more effectually accomplish his seditious Designs to subvert the Government, he and his *Quaker*-Followers held a great Meeting, as private as they could, about *De-*

cember last, at the said *Jenings'* Plantation House, which Meeting was appointed for his said Followers to draw up a Writing against the Governour and Government, to send to *England*; but when the said People met, they found the said Writing ready contrived & drawn to their hands, which, when 'twas read, a person was appointed to set every mans Name thereunto the said *Jenings* having before threatened the Governour to his face to throw him out of the Government, & therefore he [*Quaker-like*] uses such Clandestine ways to get others to authorize his Plots, that it may be seen in *England*, that 'tis not he, but the People that does it; and all this must be for the Propagation of their Truth, yea, endeavours of Ruin to their peaceable Neighbours, nay, Province and all shall lie at stake, rather than this man to want his Will.

*No wonder therefore that he and his Faction in [*8] the General Assembly refuses to sign the Association of Fidelity to King *William*, he being so great a *Jacobite* that he covenants with those to whom he sells his Land, in their Deeds, to pay their Quit-Rents to the late King *James*, a known enemy to the Kingdom; this all who please may see recorded in the Registers Office at *Burlington*.

'Tis he that has got away the Book of the Laws

of the Province (as his Friend *H. Grubb* informs us) and conceals it from the present Government (for he had rather the Province should be without Laws than not to have them of his own making) but God be thanked he cannot conceal the Laws of *England* from us; but perhaps he conceals it for fear of loosing their great Fundamental Law therein recorded, made when the said *Jenings* was Governour, viz. *That the Governour for the time being shall sign all Acts whatsoever the Representatives, from time to time, please to enact.* This is the *Magna Charta* of *West-Jarsey*, made to out do that other *Magna Charta* of *England*: What think ye Sirs! were not these men wiser than our English Legislators? Was not *Cato* of old inferiour to this Man? for they were but People of the World, but the *Quakers* say, They are the *Only People of GOD*.

But, *lastly*, it is not to be doubted but when a Committee of both Houses did debate *S. Jennings* and his party's Pretentions to the Government, at the Assembly held in *November*, 1697, it did inspire great boldness to *Jenings* & his Faction to proceed as they have done, that the then Governour *Hamilton* did plead so stily for them and their pretended Right, and had not one word to offer on the behalf of the Society, for which his zeal on their account,

and against the Society, they honestly answered his expectation with a Present of 200 *l*. I say, they thereby took great boldness, who being greedy of engrossing the whole Rule of the Province to themselves, they had not only outed every Justice in the County of *Burlington*, except their own faction of *Quakers*, but also they had turned out the Council from being Justices, *ex officio*, so that none but Illiterate and otherways Unqualified Persons bore Rule, the ill-Effects whereof the Province in divers respects has and yet does groan under, as may in time be further manifested.

But to conclude, I leave these things to be considered, and whether there be not now need of a Militia in the Province to secure our Lives & Estates, left by the leading *Quakers* crying out against the Government, as no Government, the Mob here, and Scum of *England*, transported to these Plantations, should joyn to Ravage and Ruin both us and them? And 'tis seen already what Robberies have been lately committed by Pyrates at the lower parts of *Delaware*, for want of being opposed by Force, notwithstanding the *Quakers* boasting of their Trust in divine Providence to restrain *evil Men*.

[*9] **Animadversions upon the Quakers Award, &c.*
Pen'd under the direction and guidance of this godly In-
struction and Caution, viz. He that justifieth the Wick-
ed, and he that condemneth the Just, even they both are
Abominations to the Lord. Prov. 17. 15.

Impartial Reader ;

Many remarkable Observations the fore-going Award will offer to thy discreet and ingenious Consideration.

1. 'That tho' the most antient and eminent Professors of the *Quakers* communion, and their great Patriarch *GEORGE FOX* himself (who first gave birth and existence to that New Sect) were chosen Arbitrators by the mutual Consent and Agreement of the controverting Parties, all Disciples or Proselytes of the said *FOX*, yet because they drew up an Award which did not in all points suit the haughty Genius and ambitious Pretensions of *Samuell Jennings*, he did not scruple dispensing with his *Quakerism*, utterly to reject it as Unjust, and by his Example others also, whom he headed and govern'd, and who could not, or durst not see but with his Eyes, tho' they had bound themselves by a Writing under their hands (as is declar'd in the Award) to submit to the Judgment and Arbitrement of these venerable Friends, headed by their first Apostle, and the great Architect and President of their Society.

2. Which Proceedings do evince, how far such Persons are worthy to be credited, and what Confidence may reasonably be repos'd in them in other matters, whom neither so solemn a Tye, as a Writing under their hands, nor the Authority of such Persons, could bind to their Promises, or engage a Conformity to their own free and spontaneous Act, and the Obligation they had voluntarily assum'd. Tho' this same *FOX*, and others concern'd with him in this Arbitration, are the Men, whom, on other occasions (where Interest is not concern'd) for the reputation and support of their Party, they represent as *Holy* and *Righteous*, and would perswade the World to reverence them as such, and accordingly preach them up as the *Messengers of Truth, and not inferiour to any of the holy Apostles*.

3. That *Sam. Fenings* by his Non-acquiescence to their Decision doth draw great Scandal & Disgrace upon himself and them. For, if *Samuell* should be ask't, Why he doth refuse to submit to their Determination? his answer could be no other, but that *These Just Men had done Unjustly*, & *that the [*10] Spirit of Iniquity had got the Ascendant over these Saints, so that their Understandings thereby were darkened and eclipsed, and their Wills also rendered partial, and averse to the Cause he had undertaken to maintain, and in vain was brought before them.

And if, on the other hand, the Arbitrators should be interrogated, Why *Samuell* would not obey their Order and Determination, & his own Engagement to conform accordingly? What could they Reply, but *That the Spirit of Pride* (which had been a Liar and a Rebel from the beginning) *had subdued his Conscience to Oppose God's Ordinance, and to confederate with him against them and the Truth, by whose Inspiration and Guidance they had pen'd that Award?*

4. So that by *Sam. Jenings's* own Testimony, & Theirs also whose Senses have been perverted to link themselves with him, *G. FOX, G. Whitehead, S. Crisp*, and the rest of the Arbitrators, did not act according to Justice and Truth in this matter, nor *Samuell* and his Party by theirs; and consequently by the Reciprocal Evidence of these Men against each other, none of them are *Righteous, Perfect or Infallible*, as they hold forth to others, and preach themselves to be. But *Samuell* must be content to knock under, and not pretend to stand in Competition, in point of Veracity, with these Arbitrators; for in the true Spirit of *Quakerism*, neither their *Light* nor *Integrity* is to be disputed or called in question; since they were Men, that by the common Testimony of the whole Body, and the essentials of their own Creed, were illuminated and govern'd by the Spirit of Truth, and were taught all things (as formerly

the Apostles of Christ) by the powerful Irradiation of its Light within them. By their very Fundamentals therefore, their Decision of the Controversie is Evidence sufficient to convince, that they understood it, & consequently understood what they did therein, and ought to be done, in point of Justice, on the behalf of each party. If then Justice was equally distributed by them in this Award (which cannot be deny'd by a *Quaker*, if he'll be true to, and not revolt from his Principles) why did *Samuell* refuse to comply with it? And if *Samuell*, & those under his Government, who pin'd their judgment on his Sleeve, had been men of common Probity, how could they have sham'd their Promise, and strain'd such a Case? a case so remarkable, so circumstantiated, to defeat so solemn an Obligation, to the disgrace of themselves, and the Pillars of their Party?

5. That even those moral Precepts enjoyn'd both Parties by these Arbitrators, as their Christian Duty, *Not to malign, not to Revile or Back-bite each other*, have been rejected by *Samuell* and his Accomplices, as Anti-christian, even to this day; so that the Grave doth not yet defend *Byllinge* against their Slanders, nor the Authority of those antient select Friends (to *whose Decision *Jenings*, and his Adherents sub- [*11] jected their Cause and Controversie) against their

Rebellion. But they still as hotly inveigh against *Billing*, and as fiercely appear and concern themselves against that Power and Government, in whom it is now legally and rightfully invested, as formerly when it was lodged in *Billing's* Person, before they consented and submitted to this Arbitration. And at this very present, this great Champion against *Billing* and this Award doth act this part so strenuously, and with such success, as to draw great Numbers after him in his Rebellion, and with such a stubborn Refractoriness, as to tell the present Governour to his face, *He neither liked him nor his Commission*; did therefore from thenceforth denounce perpetual Hostility against him, *and should not cease to make War upon him until he had driven him out of the Government.*

6. That not only *Sam. Jenings*, but whosoever beside combine with him to oppose the Governours Commission and Authority, oppose the Judgment of *G. FOX*, and the rest of the Arbitrators named in this Award, and consequently the Judgment of the most antient Friends and principal Rulers of the whole Body, and censure them and it as Unjust & Unworthy of their Regard. So that whilst they strive against the Government, they also strive to sully the good Name of these eminent Friends, and cast such a Reproach upon their Memories & Repu-

tation, as must inevitably form a bad Impression of them in others, & will at once cancel their Pretensions to those high Dispensations which they claim and proclaim as peculiar to themselves, and were never before communicated to any other Name, Order or Society of Christian Professors.

7. It cannot therefore but highly concern the People of *West-New-Jersey* to consider whether it is not more just and safe to obey the Determination and judgment of these antient Friends, than the bold seditious Notions of that Person, whom those Friends, in the Spirit of Truth (as all *Quakers* are obliged to believe, unless they will renounce Unity with their Friends and consistency with themselves) have stigmatiz'd with the infamous Character of *Betraying his Trust*, declaring, that his Proceedings, and theirs also that did appear with him against *Billing's* Authority (whom they did publish, testifie and recognize to be his and their lawful Governor) were *Unfair, Unwarrantable, Unsafe and worthy of Blame*. And it is an indelible stain on the *Quakers* of *West-Jersey*, that those who are not of the *Quakers* Profession in that Province conform themselves to the Award of these antient Friends, and religiously observe the good Advice therein incerted and urged, and those that profess themselves *Quakers* generally abhor, and spurn against it, as if it were the Dictates

[*₁₂] of some Profligate Wretches, or the Resolution *and Sentiments of the *Sons of Belial*, and not the conscientious Judgment and impartial Decree of honest Men?

8. Nor can it be any Excuse for *Sam. Jennings*, and others, (who are, and long have been active by his Motion, as the great Wheel to seduce and betray the People into Sedition) that they have gain'd a Multitude to appear on their side against the present Governor and Government. The Success of this Agency will not extenuate, but on the contrary aggravate both their Shame and Offence. For who are they, whose Judgments are debauched thereby? are they not generally professed *Quakers*? And what are the Fruits thereof? What doth such a Negotiation operate, but the Peoples Disturbance, the Violation of the publick Peace, the Obstruction of Justice, and endless Distractions, Animosities & Confusions among all Parties, and in a word, the *Destruction of the Province*? And as it shews their Power with the People, so their abuse of that Power, and how pernicious and dangerous such Seditious, Turbulent Spirits are in any Government, in whose Breasts appears to be lodged a large Seminary of Contentions, Sedition, Factions and Hostilities, to use *Samuell's* own Term?

9. Nor can this Plea or pretention be any Justifi-

cation or Warrantee for their Proceedings, *That the present Governour is not approved of by his Majesty, according to the Prescription and Tenor of the late Act of Parliament.* This Argument will recoil upon themselves, and against the late Governour, and make him no Governour after the 25th day of *March*, 1697. and consequently all Publick and Provincial Acts illegal, void, unwarrantable and dangerous after that time, especially since he did not so much for his Warrantee to hold the Government after the Limitation expired, as to obtain a *Dedimus Potestatem* to take the Oath, tho' so precisely and peremptorily commanded by that Act. Which therefore neither was nor could be legally taken by or administered to him, according to the manner and direction, as thereby enjoyn'd. But waiving this point, and admitting their Allegation to be true, tho' the contrary is manifest by the *Dedimus Potestatem*, which the now Governor brought along with him, under the broad Seal of *England*, his Instructions from the Lords Justice, signed by the Lords Commissioners of the Treasury, the very same verbatim as are given to all other his Majesties Governours in *America*, for which he gave distinct Receipts, as Governour of the *Jar-seys*; A letter from his Majesty, addressed to him in the stile of Governour of *New-Jersey*, the printed

Gazets published by Authority, wherein his Majesties approbation of him, for the† Government of the *Jarseys*, was advertiz'd) and several other Writings, Instruments & Testimonials, which are as so many unquestionable Vouchers and irrefragible Proofs that he comes to this Government approved of by his Majesty, according to the said Act of Parliament. But admitting the *contrary, and their Allegation to be true (as is said before) yet it is not a Point that they ought to meddle with. The Examination and Discussion thereof is not left to them. Infinitely otherwise. For by the Direction of the same Act, *No Persons, Powers, Jurisdiction or Authority are to take Cognizance of this matter but the King himself, his Heirs or Successors, or such as he or they shall think fit to appoint.* The Parliament of England could not so much mistake or forget a *Decorum*, as to subject the King's Lieutenant, who represents his Majesty here, and is entrusted with Regal Powers, to the Disquisition of such little Souls as *Sam. Jenings*, or any those Mechanick Mermidons that have confederated with him to prosecute his audacious and seditious Menaces against the Governour. On the contrary, are so tender and cautious to act any thing in derogation of that honourable

† The words between the daggers form one line in the first edition, and they were so transposed as to follow the letters Go, in the word Governour, in the third line from foot of page 23 of this edition.

Post, lest it might seem to reflect some slight and contempt upon his Majesty, that they have left the Judgment thereof (as aforesaid) wholly to his Majesty, as the most competent Judge of his own Actions, and the most suitable Tribunal in these Cases for his Representatives. And tho' the Act is express and positive in this particular, yet *Sam. Jennings*, and his Partisans, as if they were above all Laws and Powers, and his Majesty not so capable and well qualified as they to be entrusted with the Examination of this great Cause, have therefore thought fit to over-rule the Parliament of *England*, as to that part of their Act, and by a superlative Presumption to assume the Decision of this Case to themselves, and have passed Judgment upon it accordingly, which they strive to execute with all the Force and Opposition against the Governor, they are able to make, imploying, upon their first Notice of his Commission, their utmost Efforts to keep him out of the Government, which they have put since upon the highest stretch to throw him out of it.

10. Before we conclude this Discourse, we cannot but further insist upon a Topick (which was cursorily touched before) and more plainly expose to view, the indeed, senseless partiality of the *Quakers* of *West-Jersey*, who have so generally and unanimously revolted from the Society, and conspired

against them, and their Commissioner, the present Governour, that scarce three of that Denomination within that Province may be justly exempted from that Charge.

12.† The late Governor (as was said before) neither had the Kings approbation, nor a *Dedimus Potestatem* for the Administration of the Oath to him, according to the Law, tho' both were so strictly & precisely enjoyn'd thereby unto him, and all other Proprietary Governours of any of his Majesties Colonies or Plantations before the 25th day of *March*, 1697, yet the *Quakers*, notwithstanding those Failures and Omissions, did not scruple to own him for Governor, till he gave place to a new Commission, [*14] which he *could not but own to be legal & plenary, and therefore yielded Obedience to it, and went off, as superceded by it, which was about 15 Months after the time limitted by the Act, and were also so hot and zealous then to maintain his Authority (notwithstanding the above Defects, contrary to the Law) that they would not have fail'd to oppose any, that on pretence thereof should have call'd it in question.

12. The present Governor brings over a *Dedimus Potestatem* under the broad Seal of *England*, takes

† This paragraph should be 11, but as this edition is a reprint of the first, *verbatim et literatim*, it is thought best to make no correction.

the Oath, as prescribed by the Law. The Time, the Place, the Concourse of Spectators and Auditors made this Act so publick that it could not, that it cannot be deny'd by them. Nevertheless because he did not bring such Vouchers of his Majesties approbation as they could not except against (which was impossible, unless for this also he could have brought the broad Seal of *England* to answer their Quibbles & Cavils, tho' he brought such assurances thereof (as was instanced before) as might have satisfied any reasonable unprepossessed Persons) they resist him as an illegal Usurper, and deny that his Commission ought to be received. So the late Governour, tho' he fail'd in both those Preliminaries required by the Act, was still notwithstanding own'd by them as the legal Governor of the Province, and the present Governor that in reality fails in neither, and by them is supposed & charged but to fail in one, is deny'd to be so for that precise Reason. And the Opposition they make against him hath such a leven and tincture of a Perverse Spirit in it, that they will tolerate any Mischief to be committed in the Province, rather than do anything to redress, punish or prevent it, whereby it may be imply'd that they own the Governour, or in the least submit to his Administration. Cannot therefore by Subpœna's or any Inducements be compelled

or prevail'd with to give Evidence at the Courts in any Causes either Civil or Criminal, or to perform any Services there.

13. And tho' (as before recited) 'tis expressly enacted by the said Act, *That all who shall be made Governors or Commanders in Chief of any of his Majesties Collonies or Plantations, shall take the Oath therein prescribed; and such as are not immediately Commissionated by his Majesty, shall not only take the same Oath, but also be approved of by his Majesty, before their enterance into their Government. And if any of the said Governors or Commanders in Chief be convicted of failure, or to have made default in either of the Premises, by the Oath of two or more credible Witnesses, before his Majesty, his Heirs or Successors, or such as he or they shall authorize and appoint, he shall be removed from his Government, & forfeit the sum of One Thousand Pounds Sterling.*

14. Tho' the Act thus prescribes, yet the *Quakers* of *West-Jarsey* doubt not to confederate against this
 [*15] Authority, and as Patriots of the Province *and Champions for the Publick (which Opinion they deceitfully insinuate into the credulous and simple) boldly oppugne it. So they will not have the Governor removed from his Government, but kept out of it. Not to incur the Penalties for entering before the said Oath taken, and Approbation obtained,

but not to enter at all, nor consequently be liable to any Forfeitures. Nor to be convicted by the Oath of two, or more credible Witnesses, nor before his Majesty, but Themselves will be Judges, Witnesses, and Accusers also in this Controversie. And tho' the Act gives the Appellation and Character of Governor to all such as have received a Commission for Government, tho' suppos'd to have fail'd in those Performances appointed by the Act, and to have made themselves obnoxious to the Penalties thereby enjoyn'd. Yet these *Confederate Friends* disallow it, as a Title of supererogation, and both by their Words and Comportment censure it as an *Unreasonable, Erronious*, and an *Unwarrantable Complement*.

15. And thus they take that Judgment upon them, which by the express words and Direction of the Act, is appointed for another Tribunal, where (as before was observed) his Majesty is to be sole Judge, his Heirs or Successors, or such only as he or they shall authorize and appoint, arrogating to themselves a Dictatorship over the Parliament of *England*, and making their own Stubborn, Untractable Wills paramount to the Laws and Authority of that august Assembly. The Consequences whereof Time will discover, and to that Test we shall leave it now.

16. This we have thought fit to publish, in tenderness to the People and Inhabitants of the Pro-

vince of *West New-Jersey*, and as a Caution to them, from a cordial Desire of their common Wellfare, Peace and Prosperity, and to the end that those who yet stand may be strengthened and confirm'd, and those that have fallen, may, as by a hand stretched forth for their Assistance, recover themselves, and as good Subjects and Christians return to their Duty; conformable to that of the great *St. Augustine*, whereby he endeavours to expell Obdurateness from Humane Nature, and to drive it into its proper Region and Channel. *Humanum est labi, sed Diabolicum est perseverare.* 'Tis an incident of human Frailty to fall sometimes, but to continue, but to be hardened therein, is the Property of the Devil. *From which Unhappy Graceless State, Lord, in the Tenderness of thy Mercies deliver this People, both the Seducers and the seduced! Create in them a New Heart and an Upright Spirit in their inward parts. Make them legitimate Children of thy Light, faithful Friends of thy Truth, and docile in Holiness, that being delivered from Arrogancy and Obstinacy, from the Guile of Hypocrisie, and the deceitful Delusions of vain Pretentions, false Appearances & crafty Insinuations, they may approve themselves to Thee in the Sincerity and Integrity of a*

[*16] *constant *and chearful Obedience to thy revealed VVill, particularly to these thy inspired Oracles published, and recorded by those great Secretaries and divine Pen-men*

of thy holy Spirit, Rom. 13. v. 1, 2, &c. *Let every Soul be subject unto the higher Powers; for there is no Power but of God. Whosoever therefore resisteth the Powers, resisteth the Ordinance of God; and they that resist shall receive to themselves Damnation.* And much more in this place, to the same effect, is ardently inculcated by the holy Apostle. And again, Tit. 3. 1. *Put them in mind to be subject to Principalities and Powers, to obey Magistrates, to be ready to every good Work; to speak evil of no Man, to be no Brawlers, but gentle, shewing all Meekness unto all Men.* Which Christian Virtues he illustrates by their contrary Vices. For *Contraria juxta se posita magis illucescunt.* For we our selves (saith he) were also sometimes Foolish, Disobedient, Deceived, serving divers Lusts and Pleasures, living in Malice and Envy, *Hateful, and hating one another.* Now let the most confident Pretenders and Boasters of Godliness and high Dispensations, try themselves by this Test, not deceitfully, and flattering their Consciences, but seriously and impartially, whether this is not still the Frame & Posture of their Interiour, and an exact and lively Description of their present Condition? See what the holy Ghost does yet elsewhere further exhort, and give us in charge on the same subject, particularly 1 *Pet.* 2. 13, 14. and in many other places of the divine Records, too tedious to be quoted or enumerated here.

17. Thus *Paul* indeed may plant, and *Apollo* water, but 'tis God alone that gives the Increase. To whose blessing therefore we recommend these Seeds, that they may fall upon good Ground, and multiply therein, to the Increase of our Peace, the establishment of Christian Love, and a holy Conversation among us. For by the Testimony of our Lord himself, *Mat.* 13. 23. such as the ground is, so will the Increase be. And there we must leave it, even to the same All-powerful God, who is also able to correct, to amend, to reclaim the Soil, to cleanse it from Weeds and all Nastiness, to cure its Sterility, and to cause it to yield a plentiful Crop in its due season.

F I N I S .

TRUTH RESCUED
FROM
Forgery & Falshood,
BEING

An Answer to a late Scurrilous piece

Entituled

THE CASE PUT AND DECIDED &c.

Which

Stole into the World without any known Authors name affixed thereto, And renders it the more like it's *FATHER, Who was a Lyer and Murtherer from the Beginning.*

BY

SAMUEL JENINGS.

=

Reprinted January, 1881, by the COLLINS PRINTING HOUSE, Philada.

FROM

Forgery & Falshood, &c.

Impartial Reader,

Had the *Authors* of the *Libel* I am now to answer, been so just to me and the *World*, as to have sent their *Names* along with it, it might have saved me much, if not all, of this Labour; they having (especially of late) so signalized themselves, by divers memorable actions, that hardly any whom fame hath reached with the knowledge thereof, will hesitate in giving them their *Character*, and I think it not a little to my reputation, that mine and theirs are so different. And though JOHN TATHAM, THOMAS REVELL and NATH. WEST-LAND did at last, when I had staged the *Author* or *Authors* for Forgery and Falshood, come forth, and own themselves the *Authors*, yet their *Libel* being before dispersed without a name, and might fall into some hands, who were Strangers both to the *things* and *Persons*, I find it necessary to pursue it

with this. What induced these angry *Counsellours*, to fall upon me in this *Boorish* manner, at this time, is plain, from the burthen of their *Complaint*; That the *Authority* which they have assumed is not *recognized*, which I know is a great vexation to men of their temper and circumstances, whose ambition is to rule, and their leisure from other employments such, as may be a temptation to them, like *Locusts* to live upon other Mens labours: To wick I having shewn some aversion, they thereby fondly take an occasion to magnifie my *Interest* with others, to an excessive extream, and make me *Author* of all

[*₄] *the *Interruptions* and *affronts* they have met with, in the exercise of their *sham Authority*. My share of it I am willing to own; but not to exclude others, to whom for their fidelity to their *Country*, belongs a share of that regard, that's due to men, that will not basely and meanly truckle, to any pretentions, where *Royal Authority* is wanting: For which reason the two last *General Assemblies* of this *Province*, have not thought fit to recognize the *Authority* by which these men act; and how far they have approved themselves true men and Friends to their *Country*, who have opposed their Private sense, to the declared sense of the *Province* by their *Representatives*, will (I hope) in a little time be more fully discovered, and rewarded according to its due

demerit. Let this suffice for an *Introduction*, I shall now proceed, to touch upon the severall parts of their *Libel*, as it lyes before me in order, and begin First with what they call, and would have the World to believe, to be the *Award*.

That there was such a thing as a Difference, betwixt *Edward Billing* on the one part, and the *Proprietors* and *Inhabitants* of *West-Jersey* on the other, is certain ; which they have misrepresented in their *Tile-Page*, and render it to lye betwixt *Edward Billing* on the one part, and some *West-Jersians* headed by me on the other part, Whence I can not but observe, that when they have a mind to reproach me, they'l make me as big as a *Province*, that they may load me with the blame of a *Province*, and presently (to serve their own turn) confine me again, to such narrow limits, as may render me very diminutive ; but when they have said and done all they can, *By the grace of God, I am what I am*, 1 Cor. 15, 10. But to proceed ; How basely doth it look, to betray the Reader into a belief, That it was only a *Faction* of *West-Jersians*, headed by *Samuel Jenings*, that opposed *Edward Billing*, and thence sprung the *Controversy* ?

But to undeceive my *Reader*, I must let him know, That it was no less, nor no other, than the *General Assembly* of *West-Jersey*, which I no otherwaies

[*5] headed, than as being *at that time their *Governour*, which made the other Party, who accordingly commissioned me and *Thomas Budd*, to go to *England*, to negotiate their affairs there with *Billing*, *Georg Hutcheson* at the same time offering himself as a *Volunteer*, to our assistance. Pursuant to our *Commission* and *Instructions*, we proceeded in the *Voyage*, and by the Grace of GOD, arrived in a good and short time at our *Port*; and when we came there, meeting with *Billing*, we imparted our business to him, which was, in the name of the *Proprietors*, to make a demand of the *Government*, to whom he had as much sold it as the *Soil*, and taken their money for it. This message was very ungrateful to him, who resolved (as the consequence hath shewn) to cheat us, in what we esteemed the best part of our bargain; For at that time, the *Soil*, without the *Government*, would have been of no value to the *Purchasers*. And though before our arrival, he was the great *Complainant*, and threatned high what he would do, if his *Authority* should be disputed, yet finding now, that it was like to come to that indeed (for so were we instructed, viz. if he refused to comply with our just demands, to complain against him at *White-Hall* or *Westminster-Hall*, as able *Counsell* should advise) and fearing nothing more than his, and well knowing, that his Actions could

not abide so severe a *Test*, makes it his business with might and main to prevail with our *Friends*, to use their endeavours, to take up this business, and make a more private end of it, if they could, or at least, to prevent our procedure against him in the way we intended. Upon which a proposall was made, by some of the *Persons*, who were afterwards *Arbitrators*; That we would submit the *Controversy*, to the determination of a certain number of *Persons*, to be equally chosen. To wick we replied, we had no such power nor direction from our *Principals*, but were it so it had affected us only, we should chearfully do it. They urged some reasons, which I shall here omit to give, why it was not then a proper time to Prosecute such an affair, in the way we intended; But if it was not in our power, to submit *the decision wholly to them, in the name [*6] of the whole, yet we might do it on our own proper account: With which *Thomas Budd* first closed, and then I was disabled, not having power to act alone, and therefore complied also; Although my compliance with this *Proposall*, I must declare, to be an Act of necessity, and not of choice; and rhough I put an high value upon concord amongst *Brethren*, yet that relates chiefly to *Religious* concerns, and may be inviolably maintained, notwithstanding our different sentiments, in *Civil* affairs. Thus we sub-

mitted, and they undertook to hear and determine our *case*, which accordingly they did, and delivered the *Award* into my hands, the eleventh day of *October* 1684., where it hath remained ever-since, and still is, being an *Original* and signed with the *Arbitrarors* own hands. But finding a Printed thing steal into the *World* without a name ‘under the visor of the aforesaid *Award*, I took the Pains to compare them, and find at least thirty eight variations, some of which not being very material, I shall pass by, and account them the act of the *Pen-man*, in trying to correct and amend the sence; who will hardly allow, that any man (at least in these Parts) understands it like himself. But others there are, that seem to be designedly and knavishly foisted in, of which nothing is to be found in the *Award*; Which wen I had considered’ I Published a few lines in *Manuscript*, declaring; ‘That what was published in print as the *Award*, was *Spurious and false*; Which occasioned the Publishing of divers in that manner on each side, with which I shall not much meddle now, except to touch a little upon their last Paper, the rest being already answered.

I come now to give some Particular Instances of their *Forgery and Falsehood*, and begin with Page 3., where they make the *Award* to spaek thus: “That
“whereas S. *Jenings* and the Assembly in *West-*

“ *Jarsey* had Positively acknowledged *E. Billing* as
 “ Governour, and acted about two years by virtue of
 “ his Commission and Power, and *S. Jenings* as his
 “ Deputy engaging to serve him, and preserve his
 “ Interest in *that capacity ; Now after all this they [*7]
 “ accepting *E. Billing* as Governour *only in trust*, as
 “ they alledge, in order to have him assign his Power
 “ and Government to the People ; which not being
 “ obtained with his consent, *then they rejecting him*
 “ *the said Billing, and chusing S. Jenings Governour in*
 “ *his stead, and his accepting thereof, WAS A BE-*
 “ *TRAYING HIS TRUST* ; as also rejecting *W.*
 “ *Welch*, since deputed by *E. Billing*, without giving
 “ *E. Billing* any previous notice of these their de-
 “ signs and proceedings against him and his interest,
 “ *These we judge Irregular Proceedings, Unfair and*
 “ *Unwarrantable, Unsafe and worthy of blame in S.*
 “ *Jenings and all Persons concerned therein.*

Here I charge my *Adversaries* with downright
 FORGERY and FALSHOOD, there being no
 such words in the whole *Award* ; as *betraying of*
trust, of which they seemed so fond, suiting their
 malicious design so well, that to give it the greater
Emphasis, they put it in Capitall Letters ; But being
 now discovered, and their Forgery detected, serves
 only to render them Capitall in malice and abuse :
 Nor doth it excuse them to say, as in one of their

Papers they do, “That not any thing is couched in
 “the said Printed Award; no not even that noted
 “reflection upon *Samuel* in Capital letters, but what
 “we will prove to be true, when occasion shall re-
 “quire &c. But this is still to do, and this I leave
 as a task upon them to perform, when they shall
 think the occasion requireth. I am glad I am so
 much before hand with them, having Proved my
 charge against them before severall credible Wit-
 nesses, who for their private satisfaction, have com-
 pared what they have Printed, with the true *Award*,
 and (I believe) will not refuse to give evidence, to
 the truth of what I here assert, if it be desired;
 and I do hereby further promise, to give the like
 satisfaction, to as many as shall soberly request it.
 But, say they, “The *Award* now Published,—as
 “received from their [the *Awarders*] hands, so was
 “transmitted hither for information, and is by us
 “made publick, for the same end, without the least
 “variati—on. And is it more reasonable to relie
 [*8] “upon his veracity, *in this matter, than the worth
 “and reputation of those honourable *Gentlemen* in
 “*England*, that sent it hither verbatim as We have
 “Published it &c.

Thereby implying as if the *Award* they have Printed
 is of equal force and validity with the other. To
 which I answer, Theirs can be but a *Copy*, as appears

by its date, being four daies after the *Originals* were delivered into the hands of the *Parties* concerned, and therefore not of equal credit with the *Original*: But my business is not to consider what it is, nor how they come by it; my complaint and charge is That they have Printed and published to the World, in the name of eight of my Friends, a thing called their *Award*, with *divers Additions, Omissions and Variations*, and that *in divers of the most considerable passages in it*, tending greatly to slander and reproach me. and this I call *Forgery and Falshood*, and shall leave it upon them, till they can more fairly throw it of, than yet they have done.

And again in page 3, where they say: “ *These we judge Irregular proceedings, unfair and unwarrantable, unsafe and worthy of Blame in S. Jenings and all Persons concerned therein.*”

There is no mention made of *S. Jenings*, nor any blame laid upon him, but in conjunction with the *Assembly*, who are Blamed for chusing, and he for accepting their choice of him for *Governour*. But I am glad of this oppretunity, to clear that point, which I doubt not to do, to the satisfaction of any indifferent person; and to acquit my self, and the *Assembly* too, from any just blame upon that occasion.

But here I expect to meet with an *Objection*, viz. But why then did your *Friends* blame you in their

Award, and were not they *Divinely* inspired in what they did? I answer; Because I find my *Adversaries* harp so much upon that, and make such a perverse, or rather malicious use of it; I put it upon them to prove, when ever our *Friends* have placed their Conduct in *Civil* affairs, so high; No, we can very well admitt of different sentiments in those things, without any braech of *Religious* union; and this being [*9] partly a *Law-case*, upon which the judgement of these *Friends* was grounded, it is not utterly impossible, but they might be somewhat mistaken in it: However, it should have lain untoucht for me, had not I thus unexpectedly, as well as unfairly been assaulted afresh, and recriminated by the *Award*. But to meet with this from any *Members* of *West-Jersey*, that would be thought to be tender of her *Rights* and *Priveledges*, for the sake of which I suffered what I did, in defence of them, is very strange; especially considering how much I was importuned, and in a sence forced, for the preservation of the Peace of the *Province*, into a compliance; which I should think, cannot be forgotten by one of my *Adversaries*, at least, who had not the least share, in advising what was done; from whom I did not expect such a return, for former kindnesses shewed him, by me and others: Who in the time of his necessity, enjoyed all the places of profit, that he was capable

of in the Government, by the favour of those, over whom he hath since made his insults; by which means, he hath justly drawn upon himself, the hateful *Epithet* of *Ingratitude*, a thing common to men of his temper, which having branded him with, at present I shall leave him.

But to proceed, you may perceive by the *Award*, that the *Agents* of the *Province*, did alledge when in *England*, “That they accepted *E. Billing* as Governor *only in Trust*, in order to have him assign his Power and Government to the People. Which is all very true and reasonable; for it was to such People, as had before bought and paid for it, and *E. Billing* himself, when he First obtained the grant from the *Duke*, endeavoured to make us believe, *that he received it but in trust, and would use it no otherwise*, and excuses thae taking it in his own name, alledging, *It must be in a single person, and he could not obtain it otherwise* Which there was no reason to do, had he not been conscious to himself, that the right of it did appertain to others.

And *William Penn*, one of *E. Billings* Trustees, of whom we bought, and well knew the Rights of the People, whose *Interest was the great means of ob- [*10]
taining the Grant of the *Duke*, alwaies declared; *that he solicited for it in the name of the People, that they might be able to make good what they had sold them.*

And *Sir William Jones*, on whose opinion the *Duke* much relied, gave it as his opinion, *that the Right belonged to the People*; Upon which the *Duke* Frankly ordered, *That a Second Grant should be given*; The intent being only to confirm but not to destroy the former. And lastly, than which nothing can be more clear; The Second Grant, by which the powers of Government were more clearly granted to *Billing*, was never proposed to be sought for, but at the request and charge of the *Proprietors*; For, saies *Billing* and some of his Trustees in a letter now in my hands, *it will cost much money to obtain it, and when gotten, you shall have the benefit of it*. This I think is enough to say for proof of this Point, though I could say a great deal more, but shall use what brevity the case will bear.

Edward Billing having thus obtained the grant as aforesaid, sends over a *Commission* to severall persons, in which I was first named, and in case of mortality, the rest to succeed in their order as *Deputy Governours*: Now to shew with what caution this was accepted, and no otherwise, but vvith a *saving our Right*, the *Records* of the first *Generall Assembly* held in *West-Jersey* will shew. But before thar *Assembly* was called, I knowing it to be against the Rights of the People, for him to grant *Commissions*, and assume the place of a *Governour*, I called together as many

as I could, of the most antient and considerable of the *Inhabitants* here, as soon as I had received the *Commission*, and freely gave my sense of it, and told them; *my resolution was, never to impose it on them nor make any use of it, except they apprehended, it might be of service to them:* Upon which the thing was considered, debated, and at last concluded, *that it was better, not wholly to reject the Commission; but to accept it as aforesaid, that some face of Authority might be kept up, to avoid the confusions of an Anarchy.* Some are yet alive to *affirm to the truth of this, [*11] though most of our antient *Inhabitants*, are by death or otherwise removed. But besides all this, when *Billing* sent his *Commission*, he sent a long Letter with it, in which are contained the *Apologies* before mentioned, declaring, *It was his intent suddainly to come, and settle the affair, to that hearts content of all concerned;* and to back all this, a Ship was then newly arived, in which were Passengers, *William Biddle, Elias Farr and Benjamin Scott*, with divers others, but these I mention as of most note, and intimate with *Billing*, who declared, it as their sense; *That he would be as good as his word, and that he was put upon a necessity, of accepting the Grant as he did, and that it was requisite his Commission should be accepted for the time, till his arrival, which they judge would be shortly.* Thus I have shown the manner

and reasons of accepting that *Commission* which I think makes it evident enough, to be but *in trust*; I come now to shew our reasons for rejecting it.

When *Billing*, by this soft and crafty dealing with us, had drawn us on to recognize his *Authority* (which he thought had been without condition or reserve, for knowing him to be hot-headed and rash as well as Indigent, we gave him no notice of it, least in a Frenzie he should Sell the Government, and so make it more troublesome to us to recover; but expecting of him here, thought We might best deal with him upon the place) he now begins to treat us in other terms, and to let us know, *he did not intend to part with the Gouvernement*; Of which We complaining to him, of his dishonesty to us; in his next he tells us, *That it was as much as our necks and estates were worth, to assume* (what he before had owned to be) *our Right*. This opened the eyes of all, undeceived those that aforetime had been best opinionated of him, and the next *General Assembly* when Sett, did generally declare, *They would no longer submit to his Authority*, but immediately assert their own right, and chuse their *Governour* themselves: Which they did; pitching upon me. How unwillingly I yeilded to serve them *in that *station*, several then present cannot have forgotten; although I was satisfied of the Justice and equality of the thing, and

that it was no evil in it self, yet it might carry another aspect, with those who had only heard a superficial account of it.

I have now shown, why we received, and why We rejected *Edw. Billings* Commission; the next is to inquire, how far We (viz the *Assembly* and my self) are criminal for it: But especially my self, who (by the forgery of my *Adversaries*) am represented to the World as a *Betrayer of my trust to Billing*; To do which, in common understanding it must be presupposed, that I accepted a *trust* from him, which I deny ever to have done; for what I did in accepting his *Commission*, was to serve the *Country*, and at their request, as I have before shewn; nor had I any reason to do it for his sake; who was much a Stranger to me, and from whom I never received any reward for it, and to be yet more plain; the Infamy that he was under was such, that to serve him, would have been a blemish upon my reputation: Yet there was a necessity that We should acknowledge, that the Government was in him, though but *in trust*, else how could We expect, that he should reconvey it to the *Purchasers*, as by solemn engagements bound. So that upon the whole, the *trust* was in *Billing*, and not in me, and it was he that *betrayed his trust*, and not I; nor can I see, how any blame is justly chargeable upon me,

or that *Assembly* that renounced his *Authority*; seeing to have done otherwise, had been to strengthen him in his Injustice to the *Province*, or rather to have made our selves Parties with him, against our own Right- And now I have done with this part, wherein I have been so plain and candid, as I hope wil satisfie the Impartial, and for others, I regard not their clamour.

And whereas the *Award* saies, “And *S. Jenings* “as his [*E. Billings*] *Deputy* engaging to serve him, “and preserve his interest in that capacity &c. I answer, I know of no engagement of that kind, that [*13] was ever put upon me, and if *any such expression did fall from my Pen, in a private letter to *Billing*; it was, before it was discovered, that he intended to set up a corrupt Interest, in opposition to the just Rights of the People: For at the time he made large protestations, *That he would promote no other Interest than that of the Common wael*; Which had he stuck to, I should have served him in it: But can any body believe, I was quite so senseless or profligate, as to engage to serve any Interest that he should promote, without any regard to the Justice of it; I hope not: But the controverting of this point formerly, gave occasion to an Ingenious Friend of mine to say :

*He that will Judge aright, most know as well,
As things, the times wherein each thing befell.*

I intend to touch upon one thing more in that *Sham Award* that my *Adversaries* have Printed, and so to leave it. It relates to the second Paragraph of the *Award*, page the 3d., at the close of which they note in the name of I know not who, that “Whence (I suppose it should be whereas) this “sentence above cited was hastily razed out of the “*Original* the 11 of 8 mo. 1684. ’Tis, our judgement that it were better and more clear to be incerted. The Sentence is this. Neither do We “understand that such a grant as was expected was “attainable, when the 2d. grant was solicited for. The design of incerting this is easily seen, to be to cover *Billings* head, from a stroke that otherwise would inevitably have fallen upon him : For, knowing that the Right of the thing sought for belonged to the People, which also is acknowledged in the *Award*, page the 2d. and 4th.; it could not but look ill in him, so much as to take it in his own name, if it could have been otherwise obtained : But whose judgement it is, that *it were better and more clear, that that Sentence should be inserted*, I know not; for they have placed it under, and after the names of the Arbitrators, and I would hope, that it is none of their act, nor have I any reason to believe it to be so, since I am sure, there is nothing of it in that they delivered to me, and I am not willing to

[*14] entertain a thought, that after the time *was elapsed, and the Award given, any of them would add to, or alter, what was before so solemnly done ; if they should I *judge* such an action to be *Irregular, unfair and Unwarrantable, unsafe and worthy of blame in all Persons concerned therein.* But before I pass from this, I must note, that whereas any 8 of the *Awarders* had power to determine, there is no more than the bare number, several of those who were appointed, hearing little of the Case, and some none at all, others were dissatisfied with the *Award*, and thought it much too easy on *Billing's* part, and therefore refused to sign ; And yet it will not follow, but they might al be good men, and perfectly agree, in all the necessary principles & fundamentals of the *Christian Religion*, I shall shew re fully anon ; and in the folly of my *Adversaries*, in insinuating the contrary.

I have now don with the *Award* it self, and am come to the *Observations, and Animadversions*, my *Adversaries* have made upon it, the first of which, seems to be the work of some *Apostate Quaker* : But be it as it will, my intention is to detect the folly and falshood of it, where I find the *Observer* praying his *Reader* to observe, “ That by the *Award* “ of those eminent *Quakers* (as he in scornfully calls “ them) “ the Government was in *Billing*, and not in

“the People of *West-Jarsey*. This is true, but the matter is not so much, in whom it was, as in whom it ought to be: And this was the ground of our complaint against him, that he had abused us, in taking it to himself, and detaining it from us. But I must desire this *Observer* further to observe, That though they did acknowledge it was in him, yet not right fully, and therefore they enjoyn him “To go so far as he is able, and lawfully can do to their (viz the *Proprietors*) “just satisfaction. See *The Case put* &c. Page the 4th. And they give reasons for it, and great and valid ones too, as in the first Paragraph page the 2d. viz “That *E. Billing* “hath, by concessions, signed by himself, with other “words and circumstances, as also by Letters Writ- “ten by *Gawen Lowry, Nicholas Lucas &c.* to the “*Proprietors*, given them ground to expect that they “should *have and had the Government with the [*15] “Soyl. Here I confess *Billing* hath been too hard for us; for had We only given him an expectation on the consideration; as he did us of the Purchase, We had been of equall terms with him; and why not as much reason for the one, as the other. But to return. The first reason the *Arbitrators* assign for his doing as aforesaid, is, because of the *Concessions* made and *Signed by him self*, which were made the bait to catch buyers, and I believe few purchased

before they had seen them; which concessions lodged the whole power of Government in the *Generall Assembly*, and were to be so inviolably observed, *that whoever should but attempt to break them, was to be deemed an Enemy to the peace and Priviledges of the Province*: yea, so sacred were they esteemed, *that if any refused to sign them, they were not to be admitted to the possession of any Land, though before bought and paid for.* Secondly The encouragement given by the Sellers, in divers letters, alwaies affirming, *that they had the Government with the Soyl, and were ready to sell, and make a good title to both.* 3dly. Because of *some words* (they say) *in some of their Deeds, giving an expectation that the Proprietors should or might have the Government or power to elect a Governour among themselves.* Thus it is evident, that these *Awarders* did grant, That though the Legal part of the Government was in *Billing*; yet, as they supposed, the equitable part belonged to us, And though they seemed to doubt, whether he could legally and safely perform, to a Punctillio, all that he had given us an expectation of, “yet (say they) We all agree, “that he is thereby bound to perform to the *Proprietors*, so far as he legally and safely may do. “And also We judge, that the said *Billing* ought to “go so far as he is able, and lawfully can in all “things to their just satisfaction. (What is this,

but to divest himself so far as he could, and invest the *Proprietors* with the Government: But I know they proceeded upon a notion, that this he could not safely or legally do, wholly (which perhaps was a thing fitter to have been argued by *Lawyers*) and *therefore they prescribe) “That he shall make and [*16] “confirm unto them [*the Proprietors*] “such Fundamental Laws, concessions and provisions, consonant, “and not repugnant to the Laws and Government “of the Realm of *England*, as may fully secure them “from all abuses, oppressions and encroachments “upon their freedoms and liberties, both as men “and *Christians*, by and from himself; his heirs or “Assigns, according to the contents of his own letter “dated the 15 of 8. mo. 1680. sent with his last “grant from the *Duke*. What is here enjoyned, has never been performed, by *Billing*, nor any of his *Successors*, which were it done (I suppose) would satisfie very fully all the *Proprietors*, and well disposed *Inhabitants* in the *Province*. I have insisted the longer on this head fully to clea the point, not intending to touch it any more.

What the *Observer* saith, of my being *condemned* by the Awarders *for betraying my trust*; besides that it is in its self a *Falshood*, and piece of the *Forgery* I charge upon them, I have said enough to it already, and shall therefore pass it by, But the last

part of this first paragraph I must detect for its falshood, finding it there charged, "That I affirm the
 " Government to be in the People, thereby encour-
 " aging and exciting the people to rebellion against
 " the present *Governour*, and other their lawfull *Rulers*,
 " to the great obstruction of the peace and prosperity
 " of the *Province*. Surely this *Observer* is much
 a stranger, to the reason of the *Province's* not own-
 ing the present Government (for so is the act of the
 is *Representatives*) Did We break upon that foot?
 Nay, did We not desist from urging that point? the
 first Assembly that sate after *Jeremiah Basse's* arrival,
 on purpose to try if We could come to an accom-
 modation, and had he had the *King's* approbation,
 he had been recognized, as the minutes of that
Assembly will shew. Therefore this charge is as
 wrong as falshood can make it, to say nothing of
 malice: Nor have I made it my business to *excite*
 others to *disobey the Government*: Which if I had, I
 should have counted no *Rebellion*, because, I never
 [*17] thought *the *Authority*, by which they acted, law-
 full; Which having said, shall hereafter say little
 in my own vindication, to any charge against me,
 for non subjection to the Government, esteeming it
 now almost too late, for any man to give a reason
 for that; it's rather now their part that exercise that
Authority, to consider of a reason for their so doing.

What is said in the next paragraph concerning *P. Fretwell* and *T. Gardiner*, who are termed *two of my Minions and Quondam Justices*. I shall say little to, further than this, that I know divers of the things suggested against them to be false, and believe so of the rest, and cannot think their reputation hurt by it, since the names of their *Accusers* are known. However, there may be a fit time to look into those things, when the *wheel*, I lately advised them *to consider the motion of*, has advanced its nether parts a little more. Methinks, if there were a *Conjuror* amongst them, they might have foreseen, and avoided many absurdities, they have fallen into, in this short liv'd *Usurpation*. The rest that follows, with a *hence it is*, I shall say little to, because I perceive they know not whence it is, that the things they mention have arose. And as to that of *Salem*, I believe they can never prove what they say, there may be a time to call for it, if they can. What is said concerning *a great meeting, held at my Plantation house in December last*, I shall not gratifie my *Adversaries* so much, as to give them any account of it, further than in a general Way, that I hope it hath not proved uneffectual.

But I would fain know What these Busy Bodies have to do, to call in question the actions of that *Assembly*, where they say, that *I and my faction*

refused to sign the Association of fidelity to King WILLIAM? I ask my *Adversaries*, if they ever knew any *Quaker* that did or could sign such an *Instrument*? But although We could not sign that for Conscience sake, something being in it, that We could not comply vwith; yet We did sign to a Declaration of our Alleigance and Fidelity to the *King* and Government, such as the *Governour* vvas pleased to

[*18] accept and commend, and I *suppose was since transmitted to *White hall*, and no dislike shown to it, that ever We have heard of; So that I must tell them, It's a saucy, as well as a busy part, for them to meddle with it. But the great charge is yet behind viz *That I am a great Jacobite*: This is not the First time that these fools have been nibbling at this; but finding their proof formerly to be gouty and lame, they let it fall, but now renew it again, thinking themselves cock sure, and that they can prove it with a Witness, which they thus attempt to do viz.

“He covenants with those to whom he sells his
 “Land, in their Deeds, to pay their QuitRents to
 “the late King *James*, a known Enemy to the King-
 “dom; this all who please may see recorded in the
 “Registers Office at *Burlington*. This is a piece of pure envy, as well as folly; whether it hath any shadow of truth in it I know not, It's long since I signed any deed: But suppose it to be true; where's

the offence? The Quit Rents belonged to him when *Duke*, and were none of the Revenues of the Crown. But to expose my *Adversaries* a little, let us consider how considerable these profits may be, which I have been so carefull to secure to King *James*. I suppose, by what I have heard from others, it's not more than one Deed, of the many I have executed, that's thus faulty, and that perhaps for one hundred acres, or perhaps less; for I am wholly a Stranger to it on my own knowledge, but suppose it should be two hundred; What will it amount to? Our whole *Province* pays but Tenn Nobles a year to the *Lord* of the *Soyl*, be it to whom it will: So that this proportion will hardly be a half penny in twenty years. Now judge *Reader*, This is the test, they say, I have given of my being a *Jacobite*; I am sure, they have given a far greater of their malice, and sometimes I have thought, that it was necessary, that such a day as this, should be put into the hands of these and such like men, that they might fully discover themselves, which being done, they might receive the correction of their own Folly, and all men might abhor them.

*In the next place I am charged with *having got* [*₁₉] *away the Book of the Laws of the Province*, for proof of which they say *my Friend H. Grubb informs them so*. I shall leave this to *Henry* to accuit† himself as

† The original corrected, probably by the author's pen, to *acquit*.

he can, for be sure he denies it to me ; but whatever he saies, I say it's false, and so much for that.

I am now come to my *Observer's* Lastly, which I suppose was reserved for a Clintcher, and saies " It " is not to be doubted, but when a Committee of " both houses did debate *S. Jennings* and his Parties " pretentions to the Government, at the Assembly " held in *November* 1697. It did inspire great " boldness to *Jennings* and his Faction to proceed as " they have done, that the then Governour *Hamilton* " did plead so stifly for them and their pretended " Right, and had not one word to offer on behalf of " the Society, for which his Zeal on their account, " and against the Society, they honestly answered his " expectation with a present of 200 pound. Me- thinks, how lavishly soever, they had used their tongues and Pen.s against me, they might have spared our late *Governour*, especially being absent. But, certainly this is suffered, that the world may know, ther† folly, rage and rudeness of these men, to be such, as that there is nothing so mean, unmanly and base, that they wil stick at, if they can but hope, thereby to malign and injure those to whom they are disaffected : But seeing it is so generally expected and desired, that *Collonell Hamilton's* approach to this Place, may be near, I shall say the less to it ; but must say so much, That he is much traduced and

† The original corrected, probably by the author's pen, to *the*.

abused in it; nor do I believe, that any body, besides these three or four men, whom prejudice hath thus corrupted, will or can say, that in that conference, any thing fell from *Collon. Hamilton*, indecent or disregardfull towards the *Society*. But to render it a Compact or Combination (which it must needs be if I understand their dark sentences) is such a piece of villany, as none, but those of their own herd, would offer to suggest: For if the *Governour* expected, and We *honestly answered his expediton, with a *Present of 200 pound*, for the reasons aforesaid, I [*20] can make no other construction of it' But however, I hope I shall now ride quietly, and injoy the use of my Horse, without further reflection; for if the 200 pound, was given upon the consideration they have now assigned, then it was not for the Horse, and they must be mistaken in one: But what if it was for neither? Which I believe no body doubts but themselves, how ill then do they deserve, at the hands of those they have thus stigmatized? And therefore it will be their wisdom (in my opinion) to make sure of their evidence, for what they assert, against the time that it may be required of them. I shall not trace my *Observaton* much further, having followed him to *the Mobb here, and scum of England*; where I intend to leave him, as very fit company for him, if I am not much mistaken in my guess.

I am now come to their *Animadversions*, and I hope near a close of my work, finding it now almost out of season, to controvert the matters therein contained; Providence having found out a much better way of decision than that of any man's Pen: For since the main design and end of them, is, like so many shores, to support their tottering *Authority*, which I now see is like to fall flatt, maugre all their Props, it makes me the less concerned to remove them; yet not wholly to pass them by, I shall reduce them to these following heads, which I think comprehend most of the matter contained in them: And since the *Award* is the foundation on which they are built, I having already shown the Injustice and Injury done to me, by the *Forgeries* and *Falsehoods*, contained in what they have Printed, and called the *Award*, I shall pass that by and consider.

1. *Their charge of Non-Conformity to the Award.*

2. *The emptiness of their silly conceit, and false, as well as foolish suggestion; That, Because our Friends Hold and maintain, a necessity of the Immediate guidance of Gods Holy Spirit, in all Religious Performances; that therefore it must follow, That We pretend the same in all our civil affairs; Which is on their part to prove.*

[*21] *3. *That every dissent in opinion from the Judgment of each other in things natural and common, pro-*

ceeds from a spirit of error, and is matter of scandall and disgrace.

4. *That We Preach up our Friends as the Messengers of Truth and not inferiour to any of the Holy Apostles.*

5. *Their repeated charge of Rebellion “and that I “should tell the present Governour to his face, That I “neither liked him nor his Commission, did there- “fore from thenceforth denounce perpetual hostility “against him, and should not cease to make War “npon him, until I had driven him out of the Gov- “ernment.*

6. *Whether Jeremiah Basse had the Kings approbation, according to the true intent of a late Act of Parliament, in that Case provided.*

7. *How far it concerns us to inquire into it-*

8. *Whether they or We have transgressed the late Act of Parliament, as it is suggested, we have done.*

And lastly, Their indecency, after all their abuses, to take upon them, to act a Religious part.

First. *Their charge against me and my Friends, for Non-Conformity to the Award.* To the which I answer, Neither *Billing*, nor his *Successors*, did ever perform their part, as I have before shewn, and our part depending upon a condition never performed on their part, I take to be a Release to us. However our not recognizing the present *Government*,

was never on that foot, as is plain from what is already said.

2. *The emptiness of their silly conceit, and false, as well as foolish suggestion; That, Because our Friends, do hold and maintain, a necessity of the Immediate guidance and assistance of Gods Holy Spirit, in all Religious performances; that therefore it must follow, that We pretend the same, in all our civil and common concerns, which is on their parts to prove.* And if they fail in this supposition, which is the foundation of all their structure; then the inferences drawn from it, must be unnatural, weak and idle: And that they are mistaken in this, I affirm, and charge it upon them [*22] as a *falsehood; let them acquit themselves if they can.

3. *That every dissent in opinion, from the Judgement of each other, in things natural and common, proceeds from a spirit of errour, and is matter of scandal & disgrace.* This being another inference, drawn from that false supposition, must fall with it, and be numbered amongst the rest of the falsehoods and abuses put upon us. Surely these *Adversaries*, had shewn more wit, as well as honesty, if they had not personated the *Quakers*, and spoke so many things in their name, till they had known them, and their Principles better.

4. *That We preach up our Friends, as the Messengers*

of Truth, and not inferiour to any of the holy Apostles. That We own our Friends as the Messengers of truth, That are employed in the Gospel Ministry, is true. And let me ask them, Pray whose Messengers are your Ministers, if not Messengers of Truth? But that We preach, or believe them, not to be inferiour to any of the Holy Apostles; I utterly deny, and if my Adversaries cannot prove it, I must call this a falsehood also.

5. *That I should tell the present Governour to his face, That I neither liked him, nor his Commission &c. And what of all this; I believe I might say that, or something like it, and when all is done; How will he help himself? But I suppose this is a fault, my Adversaries are little guilty of, viz., to speak their resentments to the faces of their Adversaries: They are too full of falshood and flattery for that. But that I should say, I did therefore from thenceforth denounce perpetual hostility against him, and should not cease to make war upon him until I had driven him out of the Government; is a notorious B—, there being at the same time and place, I believe, not less than a dozen persons, who heard what discourse passed, betwixt Jeremiah Basse and me, and believe none beside J. B. himself, will say, That I said any such thing: Could I and some others whom they malign, have used that liberty, I believe those arrogant In-*

sulters might sooner have been reduced to better
 [*23] manners: *But upon his telling me, *He believed I would use my endeavours to remove him from the Government, and bring in Coll. Hamilton again; I did tell him, That he had a shrewd hand at guessing, and that he might depend upon it.* And though I hope it's nigh to be effected, yet I cannot be so vain as to imagine, that any interest that I could make either pro or con could be much available; however I own, my hearty wishes, with many others, have been for it, and nothing willingly omitted, that might contribute to it, the benefit of which (I hope) We shall soon have the enjoyment of.

6. *Whether Jeremiah Basse had the Kings approbation, accordng to the true intent of a late Act of Parliament, in that case provided.* To which I shall Presume to make no other answer, than what the *Provincial General Assembly* have done, at their two last sittings. At the first of which, to the best of my remembrance it was Resolved, *Nemine Contradicente*, "That he had
 "not the *Kings* approbation, neither as the *Act* of
 "Parliament directs, nor after any other or circum-
 "stantial manner, and for that reason refused to
 "recognize him *Governour*. And though some few that were *Members* of that *Assembly*, did afterwards crouch, after a base and beggarly, treacherous manner, for the sake of places of profit or honour,

and some of these very persons, were again upon the iast *Assembly*; yet the number did not exceed five out of near fifty, but what declared themselves as much dissatisfied at this sitting, as they were at the former, in the case aforesaid.

But how vain and frivolous their arguments, deduced from the case of the late *Governour Hamilton*, Because, *he was not approved nor sworn according to the Act, which took place sometime before he was superseded*; is very obvious, and his case with *Jeremiah Basse's* holds no paralel. For when *Colonel Hamilton* was enstalled *Governor*, there was no such *Act*, and his *Authority* was good without it, and this *Act* was never transmitted hither, by order of the *Crown*, to weaken it; So that it remained good still, and he was not *obliged to know, that there was any such [*24] *Act* in being, unless it had been sent, as aforesaid. And as to his *not obtaining a Dedimus Potestatem, to enable him to take the Oath &c.* I think it had been a very preposterous thing in him to have sought it; It was as much as concerned him, to have obeyed the commands of his *Sovereign*, when required; Which, I dare say, he would never have refused: But this being never done, nor any law appearing to enjoin it, I think it not improper to use the old maxim viz, *Where there is no Law, there is no transgression.* But this is none of *Jeremiah Basse's* case;

He comes immediately out of *England*, where he might, and ought to know, and doubt less did know, that there was such an *Act* in force, and that it was his duty to obey it, and that his *Authority* could not be good without it; Yet notwithstanding presumes (he saies by advice of some of those he calls his *Council*) to publish his *Commission*, and impose his *Authority* upon us; to which I shall have occasion to speak a little more anon. “But (say my Opponents) ’tis manifest by the *Dedimus Potestatem*, “which the now *Governour* brought along with him—that he comes to this Government, approved of by his, *Majesty* Now they begin to bring out their strong reasons; but let us try them a little. That Instrument, did no more but give power, to persons within named, to administer the Oath, to the *Governour* for the time being: That might have been any body else, as well as him, and to be sure could never be intended for him, seeing it was given, at least three months before the date of his *commission*, and it’s most probable, was committed to the care of the *Society of West-Jersey*, to be by them sent hither, for the service intended. So that; if his being the *Messenger*, to bring the *Dedimus Potestatem* hither, be a manifest and undeniable proof of the *Kings* approbation, I must yeild the point; and thus I leave it What they say of “His Instructions

“from the *Lords Justices*, signed by the *Lords Com-*
 “*missioners of the Treasury*—And a letter from his
 “*Majesty*, addressed to him in the stile of *Governour*
 “of *New Jarsey* (as also) the printed *Ga*zets*, pub- [*25]
 “lished by Authority, wherein his *Majesties* appro-
 “bation of him, for the *Gouvernour* of the *Jarseys*
 “was davertized, and several other writings, Instru-
 “ments and Testimonials, which (they say) are as so
 “many unquestionable vouchers and irrefragable
 “proofs; that he comes to his *Gouvernement* ap-
 “proved of by his *Majestey*, according to the said *Act*
 “of *Parliament*. I say, all this I know nothing of,
 and knowing the *Asserters* so well, have no reason
 to credit it. Nor do I believe, that any of the
 writings or Instruments aforesaid, had any particu-
 lat relation to him; but were intended to the *Gov-*
ernour for the time being. So thar I see no reason
 (from all that they have offered to prove his appro-
 bation) to recede from my former opinion; That
 he neither had, or, which is more, is never like to
 have it.

7thly *How far it concerns us to inspect whether he*
hath or hath it not.

I have alwaies observed, these have been the two
 mean† Engines, these *Janisaries* have used, to batter
 down the opposition they have met with, to their
Authority. First, They would labour to perswade

† Corrected, at an early time, by a penman to main.

that he had the Kings approbation, if not so formally as the Act directs, yet he had what was tantamount to it. But if this beat† would not take, then the second was, It concerns none here to enquire or look into it; Is he the less a Gouvernour if he wants it? He only forfeits his thousand pounds. I confess I could never be brought over to this opinion, and that for this reason; That seeing it hath seemed meet to the wisdom of England, to enact, That no subject shall be any longer permitted, to appoint a Gouvernour over their fellow subjects, without the Royal approbation, and allowance declared in the said Act: Who is he that shall dare presume, to commission any person, at any time, to exercise the necessary Regalin's of Government? Or who is he that being so commissioned, dares to exercise such Authority without it? Is not this to bid defiance to the Authority of England; especially since America is expressly within the intent of the Act.

[*26] **But (say they) the Act relates to trade, and not to Government. But I must tell them, That what belongs to the constitution of a Governour, must needs very sensibly affect the Government, if the having a well qualified Governour, be any advantage to a Government, or if to have an ill one, be the contrary. And farther, I think it looks a little unhandsome, if not disloyal, for them to suggest, That*

the *King* regards the advantages of trade more than the weal of his subjects; For as Parents value their Children above their Inheritances, or Worldly advantages, so we ought to beleive, that the *King* as Father of all his subjects, in a Political sense, more regards their well being, than all the advantages of trade. Why should we not then thankfully embrace the *Kings* bounty to us, who will himself be satisfied, who, or what they are, that are so posted, and not suffer every little fellow, to make his Insults over his Subjects. And I still hold my opinion, That if any shall attempt it, it is most lawfull, and loyal for the People not to submit to their *Authority* who pretend to any so high as that of a *Governour*, especially by their *Representatives*, when legally met together; in whom resides a considerable share of the necessary powers of Government, and who must act along with him, if any thing in *Legislation* be acted. So that I am still of opinion, That it very much concerns them to be satisfied, in order to their own safety, as well as preservation of their Priviledges, whom they joyn with, in acts of so high a nature, and to do otherwise were supine negligence, and unworthy of the trust to which they were elected. I shall not follow them further on this subject at this time, believing the† *Pen-man* has lost his labour bestowed thereon, and that his sophistical

† The third letter of this word is obliterated and altered to e.

endeavours will prove abortive, as most of his projects have hitherto done.

Yet I shall take a little notice of the slant blow, they give at such little souls as *Samuel Jennings*; which I could very well have passed by, but that I thought it was a fit opportunity to lay hold of, to [*27] shew the magnanimity of *these great towering Counsellours: Who upon the report of *Coll. Hamiltons* being superseded by *Jeremiah Basse*, did express their resentments of it with great reluctancy, were the first that moved *Coll. Hamilton* to convene the *Assembly*, to consider if any thing could be done, to prevent so miserable an exchange: When the *Assembly* met, were the men that solemnly promised to the *Governour* and *Assembly*, to use their Interest, if *Jeremiah Basse* should arrive, under the circumstances as was reported before an other *Assembly*, to dissuade him from publishing his *Commission*, till we heard again from the *Society* in *England*, to whom we had written, and that *Coll: Hamilton's Commission* might not be thereby superseded. How real they were and how they have acquitted themselves like men of common honesty, to mention nothing higher, is so well known in these parts, as renders an information useless. But before I have done with this, I must give another instance, of the fidelity and greatness of these men; in wick I must make a

little digression, while I inform, or rather remind my *Reader*, That, the controversy betwixt the *Sucessours* of *Billing*, and the *Proprietors* here, was never yet determined; which hath occasioned jarrs and misunderstandings, to be kept on foot betwixt them and us; to prevent which for the future, these *great souls* did agree, at the then *Governours* motion, together to write a perswasive Letter to the *Society*, to grant us what we requested, and believed was our right: This was performed, signed by the *Governour* and his *Council* (of wich these men were a part) delivered in to the house of *Representatives*, to be sent to *England*, and accordingly was sent; Yet these very men, my present *Adversaries*, sent another privately about the same time, to dissuade the person† that both they and we had addressed, as aforesaid, from granting our request. Now what thinkest thou, *Reader*, of the size of these mens souls? Had they dealt thus with a private person, it had been very detestable; but to do it to a *Province*, is a thing so unaccountable, I shall leave it without *a [*28] name.

8thly *Whether they or we have transgressed the Act of Parliament as it is suggested we have done.* This is so plain a case, that I shall leave it to the decision of my *Reader*, having said so much already on this head: But if to contend for obedience to the re-

† Corrected by a penman to persons.

quirings of the *Act*, be a Transgression of it, we will submit to their charge.

Lastly, *Their Indecency, after all their abuses, to take upon them to act a Religious part.* This puts me in mind of the old Proverb, viz *When the Fox begins to preach, beware the geese.* The best of it is, there is not many here, that much affect the *Religion* of these men, but especially that of the *Penn-man*; if yet he may be supposed to have any at all. But that nothing might be wanting, that falsehood and flattery could furnish them withal, they pretend, that what they do, is, in tenderness to the people and inhabitants of the *Province of West-New-Jersey*; than which nothing could be more remote from them, and is so apparent, that I think none by these means will be† deceived by them.

And now for *Conclusion*: I shall (as I have promised) touch a little upon the last paper these men posted against me; which I find so full of scurrility and railery - that I scarce know where to touch it without fouling my fingers. It doth indeed render them *Mesters of their Art*, and the extravagancy of their abuses to me in it are such, as makes it the less needfull for me to make any defence against it. For when any have so debauched-their tongues or pens, as to have no regard to the truth of what

† Last letter obliterated, and by the pen made an e.

hey† say or write, instead of blemishing those with whom they contend, they brighten them, and only hit themselves a box on the ear: For which reason, I can very contentedly be silent, to all the scorn, reproach and falsehood they would disguise me with; knowing that men of candour will see-for themselves, and not be imposed upon by such notorious, ungenerous and sneaking *Adversaries*.

I perceive they are uneasy, that I still insist upon *my charge of *forgery* against them, from which I [*29] shall never acquit them, nor will all their shuffling, wrigling, twisting and twining extricate them from the guilt of it. They ask a question of me, which I cannot answer viz “Did we receive or forge the *Award*? They might be guilty of the worst part of it, for ought I know: But as I have said before; it concerns not me to enquire how they came by it, but they printed and published it, forged as it is, and on whom should I charge the guilt of this foul act, but on them, the justice of which, I leave to the censure of my *Reader*.

Their reflections upon those judicious persons that I mentioned, whom they render *Comical*; and *Ianus like with to‡ faces each*, I shall not meddle with; knowing them to be sufficiently able to make their own defence, if they think themselves abused by it.

† The letter t has been added by the pen before hey.

‡ By a pen changed to two.

I find they would have the world beleive, and therefore say “They solemnly declare [that what “they have done] was not from any resentment or “disaffection to me, or any other particular person “or persons. To which I shall not answer a word, but leave my *Reader* free, to judge of the truth of it upon perusal. I judge, with the like sincerity they mention the *Awarders*, with a shew of respect; which serves only as a further discovery of their hypocrisy, who have at times, so freely expressed resentments against *Quakers* in general. But they proceed to point at othes:† under the same denomination, “who for their Probity, Veracity, or other “wise, conpared‡ with them, will not appear better “than spurious, a reproach to the name, but as boils “and botches to the body they hypocritically pretend to. Here I am willing (though not for their merit) to spare a little those *common tools* who signed along with the *Pen-man*; believing, that in reality they have been little more concerned, than the *Cat*, that it’s fabled, the *Monkey* made use of the Paw of for hot service§ to save his own. Bnt to return, Methinks this man should have been very cautious [*30] of *exhibiting such a charge against others, knowing his own circumstances; and how well they are

† By a pen changed to others.

‡ By a pen changed to compared.

§ An s has been added by a pen.

known to others here ; Who for his—has been spued out of the most corrupt body pretending to *Christianity*, or like a both† or scab dropt from it : And though I know he would thus mask it, viz, That it is allowable and commendable for men to reform ; yet his not attempting it till under Impeachment carries no good nor honest aspect with it.

And here I should breake off and conclude, were it not that I am charged with *murther* ; I am glad that the charge is no higher than *murthering English and sense* ; better so than to murther *English* in the worst *sense*. But here I must tread softly, least it revive old jealousies, and look to my own safety ; being threatned (though I hope it is not ominous) in these words. “ *There fore shall evil come upon thee, thou shalt not know from whence it riseth ; and mischief shall fall upon thee, thou shalt not be able to put it off.* I hope my *Adversary* may be mistaken ; but if it should be otherwise, I should not be the first, that has been suspected to fall after that meane‡ nor have I any GOLD to spare to allay his furie or Purchass his favor. But still my trust and confidence is in that *Arm* I mentioned in my first, and shall conclude with it in his§ knowing that in the end, it will be too strong for all its Opposers and Deriders.

S: Ƴ.

† By a pen changed to botch.

‡ Corrected in ink to manner.

§ Altered in ink to this.

Advertisement.

If my Reader shall enquire why the Publication of this hath been so long delayd; I answer, that the Coppie was ready for the press some months agoe, but I being absent from these parts the greatest part of the time, Could not be advised with those that had the Care and management of the press thought needfull, for which reason the finishing of it was suspended till my return.

I hope my Reader will not be ffoended† at those Ironicall expressions that have been extorted from me on this occasion I think my usage from my adversaries hath been such as may excuse it,‡ the subject matter make it necessary, if it be any offence to them (as they began this Controversie in the Press) so they have their libertie to make their defence there, which if they thinck fit to do; I shall not fail (God Willing) to meet them there agoine.§

Burlington. the 14 of the 9 mo. 1699.

S: J.

† Corrected by penman to offended.

‡ The word and has been added in ink.

§ Changed by a pen to again.

Appendix.

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POSTED PAPERS.

The originals of the following papers are alluded to on page 40 of this book. Jenings there states that, after the publication of the pamphlet of *The Case Put and Decided*, he published a few lines in manuscript declaring that what was published in print in the said pamphlet as the Award was spurious and false, and adds that his said paper occasioned the publishing of divers other manuscript publications on each side. The originals of these manuscript papers were posted in a public place in Burlington. Copies of them must have been circulated in manuscript. Such proceedings constituted the publication of manuscripts in a time and place when printing was difficult and rare. The manuscript from which the following papers are printed is derived from the Pemberton papers. With the exception of the endorsement, it is written by one person, and is evidently intended to be circulated from hand to hand. The papers contained therein were written and published in the time which elapsed between the publications of the two printed pamphlets which are reprinted in the book.

The first paper is dated on the 28th day of the First Month, 1699, that is to say, on March 28th, 1699. The second paper is dated March 31st, 1699, and expressly states that the first paper was *posted* by Jenings. The third paper is dated on the 1st day of the Second Month, 1699, that is to say, April 1st, 1699, and expressly states that the second paper had been *posted* by its authors.

The precise date of the publication of *The Case Put and Decided* can only be approximated. There can be little doubt, however, that the months of January and February, 1698-9, included the period in which it was published. Jenings's advertisement at

the end of *The Truth Rescued* is dated on the 14th of the Ninth Month, 1699. His pamphlet must have been written between April 1st and November 14th of that year.

Burlington, the 28 $\frac{1}{mo.}$ 1699.

Meeting very lately with a libel entituled the Case put & decided etc. designed to betray the world into a belief that its founded upon an award of several of my friends given in London the 11th $\frac{8}{mo.}$ 1684 and finding myself and divers others egregiously abused in the sd libel I have thought fit at present to right myself etc.

And do hereby declare to all persons that what in that libel is sd to be the award of those psons whose names they have subjoyned to it is spurious and false in divers of the most considerable passages in it & the variations additions & ommissions therein seeme not to be by accident but designe the better to answer the end thereof I know not yet who I have to deale with as the author or authors of it I can only Gess at the Point but I suppose the publishers thereof may without much dificulty be found out & spoken with in a convenient time and place but let this suffice at present if I find it worth my while I may give answer to the whole meane time what I heare assert I will make good and satisfye any sober enquirer & rest satisfied in this that truth will out live & out weigh all falshoods and

since my opponent or opponents are so brazen faced not only to publish such foolish falshoods to the world (wch they might reasonably suppose I could detect) but have also faced their frontispiece with scripture I also in curtesie will return them a scripture or two which shall conclude this.

Job: 13 ch: 4 v: Ye are forgers of lyes

Pas. 119 v 69 the proud have forged a lye agt me
Saml Jennings

Burling: 31 March 1699

That smal treatise lately published entituled The Case put etc was exam and allowed of by authority and an Imprimater was ordered accordingly when it was sent to the press what occasioned the omission the printer can best give account

The scope of that treatise was to undeceive the deceived and either reclaime the Imposters themselves or at least damp in some measure their pernicious progres for this we judged the Q award a prop medium that the friends here seeing their practices condemned by their most antient & renowned friends in England might at least bethink themselves and make a solid Judgmt both of the evil they have been acting agt themselves & the publick and of these the Instrumts also that have deluded them & abused their love their good oppinion & credulity to such [ill] purposes

But Saml Jening in the pap he hath posted objects that the award as now published is spurious etc. tho it has the Qrs in Engl: to evince for its legitimacy & as received from their hands so was transmitted hither for Information & is by us made publick for the same and without the least variation but if that wch we have lately heard Saml hath by him & hitherto kept concealed from the people be more genuine let him expose it to publick views & we do hereby engage to demonstrate whatever animadversions we have made upon the award we have published may be applyed to that he yet hides & deduced from thence as necessarie conclusions from their premises and that both the one and the other will equally vouch for all material assertions & propositions incerted by us in the sd animadversions and farther that not any thing is couched in the said printed award no not even that noted reflection upon Saml in capital letters but what we will prove to be true when occasion shall require and this in a more large & comprehensive sence then the words in the place do import; but what truly is so manifest or fact so notorious that a hardned obstinacy & a long seasoned arrogancy cannot deny the degeneracy now in this kind among some sort of men is such that the contrary practice when met with there is almost surprizing So the conclusion of this mans

pap (wch amounts to no more than Those lyes and wch as his best argument to confute what we have said he has oratour like wisely reserved for the last place) may be as justly retorted upon himself as he hath unjustly and indeed Irreligiously charged the same upon us, prophanely abused scripture phrase to authorize his lyes wherefore as he cannot but be conscious to him self so they shall in due time by us be further exposed & detected for the service of those who have been held in a miserable bigotted captivity by such topping malignants that delivered from their blind thraldome they may see with their own eyes & depend upon their own senses for the conduct & warrantie of their own actions which of late by the Instigation of evil men that have the ascendant over their spirits have proved so Injurious to the publick & dangerous to themselves.

vera cop.

JON TATHAM
THO REVEL
NAT. WESTLAND

Bur: 1 $\frac{2}{mo.}$ 99

I pceive the publicacon of those few lines lately in my own vindicacon & detecting the notorious falshoods & forgeries in that libel of the Case put etc: hath created an uneasines in some psons wch hath occasioned the posting another pap under the

hands of J. T: T R: & N. W: all that I find commendable in it is the putting their hands to it but the more to raise the credit of their undertaking (of wch I suppose there was need enough) they now tell us that the aforesd libel was allowed of by authority and an Imprimer was ordered accordingly when it was sent to the press but still they leave us in the dark & tell us not what the authority was but if they had any for it they have so far the advantage of me who know no authority nor pretend to any that can warrant me in raising & publishing scandels forgeries & falsehoods upon my neighbours besides I have great reason to believe that all the pretenders to authority here have been either active or aiding in this work & how preposterous & ridiculous is it for any to paint the face of authority upon their own work I shall submit to the censure of the Ingenious.

They say the scope of the treatise was to undeceive the deceived and either reclaim the Impostors themselves or at least damp in some measure their pernicious progress & for this they judged the Ques award a proper medium but they should have been sure of it then & not have printed another thing & called it so, & here I stand resolved to hold them till they can acquit themselves more fairly & rationally then yet they have done wch is all but

silly trifeling for what they have printed as such is either truly the award or it is not if it be not then there can be no reason to recede from what in my other pap I Charged them with nor must they expect to find Credit with the Juditious in saying that it hath the Quakers in England to evince for its legitimacy and as received from their hands so was transmitted hither etc.

This I take to be a bold & rash affirmation shold I call it an untruth though never so modestly phaps it might anger them and yet they put a great hardship upon me by laying so many of them in my way that I can hardly step over them yet they are not pleased I shold remove them or say what they be but to return.

As to the truth of the above they must needs depend upon some bodies credit & if that faile them where are they then they were none of them there themselves when & where the award was given but so was I & received it from the awarers own hands farthermore I suppose they pretend not to an orriginal but so is mine actually signed by the awarers and is faire without any blot or interliniation which renders it Impossible to have been viciated the truth of which I have satisfied divers judicious persons in and am still ready to do thus far have I the advantage of my adversaries for the credit of the true

award from wch what they have publisht so materially differs that I had reason enough to call it as I did & still do spurious & false and though they say that it suffered not the least variacon from them this may be true but its more than I know & therefore shall leave it to go as far as it will, if what I have here said be not convinceing to my adversaries yet I am sure it will to others for whose sake I have done it.

But before we part I must take notice of the prudence & discretion of my adversaries (to say nothing of their veracity for that I know the care not to heare of) in that remarkable passage after having censured my concealing the award from the people wch by the way I must tell them is besides their busines having mostly crept in here since those things were transacted neither do I think myself accountable to them for that but say they we do hereby engage to demonstrate that whatever animadvercons we have made upon that award we have published may be applyed to that he yet hides & deduced from thence as necessary conclusions from their premises etc.

Me thinks this looks like Jack at a pinch I believe they are angry indeed that I have kept the award to this time & now to make this use of it (wch if I mistake not doth a little blacken them)

& I beleive by this time are almost hartles of re-
 triveing the reputation they have lost by that blun-
 der but however if it will not do one way they will
 make it do another if what they say in their book
 be false in fact they will make it true by necessary
 conclusions but they are to remember we are not come
 to that yet we are now upon the enquire whether
 I have wronged them in my charge if I have not
 (wch I see nothing in their whole fardle to prove
 I have) why are they angry let them first yeild this
 point wch I intend they shall before I pass to a sec-
 ond & then I shall be ready to answer to that but
 how do they know how applicable their animad-
 versions are to this concealed and hidden award I
 am afraid that this also is a forward step & had need
 to be retracted for what men in their senses wold
 engage to demonstrate such a thing while they pre-
 tend to be Ignorant of the award itself I shall pas
 by their many reflections & leave my reader free
 to make a Judgmt of the controversie so far as it is
 exposed to publick view & for conclusion of this
 shall borrow a sentence of theirs what truly is so
 manifest or fact so notorious that a hardened obsti-
 nacy and a long seasoned arrogancy cannot deny
 me thinks this falls so sencibly from them that it
 must needs proceed from antient experience &

therefore I will not undertake to cope with them about it.

They seem much displeased that I shold have any Interest or esteeme amongst my own friends They need not trouble themselves about that for what I have is so founded that they cannot rase it I know I am their greife but I am not very solicitous about it my comfort & my sanctuary is in that arme that gives bounds to the sea and limits to men.

SAML JENINGS.

Endorsed:

SAM: JENINGS answer to

J. TATHAM

T. REVELL

N. WESTLAND

